

Remarks

Applicants thank the Examiner for the opportunity to discuss the claims with him during an Interview in the USPTO on December 18, 2003. Applicants also thank the Examiner for his helpful suggestions in moving this application towards allowance.

Statement of the Substance of the Interview on December 18, 2003

As stated above, an interview was held between Examiner Callahan and Mr. Jack Jankovitz, Mr. Ono Yasuhide, Miss Yuko Watanabe and Miss Kyoko Hamakawa on December 18, 2003 in the USPTO.

The pending claims were discussed and an agreement was reached.

The substance of the interview and what was agreed upon is set forth in the Interview Summary provided by Examiner Callahan.

It was also agreed that, due to shortness of time, Applicants would submit a new Reissue Declaration as a Supplemental Response, as soon as the Reissue Declaration is signed by the inventors in Japan.

Numbering of Pending Claims

Applicants have numbered the pending claims as claims 32 and 33. During the Interview, it was agreed that the Examiner may renumber the pending claims by an Examiner's Amendment, as claims 31 and 32, if necessary.

Terminal Disclaimer

Applicants thank the Examiner for accepting the Terminal Disclaimer submitted on April 1, 2003.

Reissue Applications

There are other concurrent proceedings relating to U.S. Patent No. 5,761,301. A parent reissue application, **Application No. 09/588,364** is pending in the USPTO. In

addition, six divisional reissue applications (all divisionals of '364) are currently also pending in the USPTO, as follows:

- 10/020,425 ✓
- 10/020,427 °
- 10/017,965 ∙
- 10/017,973 ˘
- 10/183,205 ˘
- 10/183,658 -

It is noted that one of these six pending divisional reissue applications is the present application (10/017,965). None of these six pending divisional reissue applications, nor the pending parent reissue application (09/588,364) is involved in any interferences, reexaminations, or litigations.

Reissue Oath/Declaration

As requested, Applicants will provide a new Declaration that more specifically sets forth the defect. As agreed, this Declaration will be forth coming in a Supplemental Response, as soon as it is received from Japan.

Section 102 Rejections

During the Interview, the Examiner agreed to withdraw his rejection of the claims in view of Ikeda.

Applicants noted during the Interview that each of the pending claims includes the following features:

- **a track of spiral shape; and**
- **a barcode pattern formed by a laser on the track.**

Ikeda, on the other hand, discloses marks on disk 1 as shown in FIG. 1. The marks contain pits (FIG. 2) indicating data signals. As understood by Applicants, Ikeda forms a reflective film on top of the pits (marks), so that the pits may be readable by an optical detector. Ikeda first forms the pits (marks) and then forms a reflective layer on top of the pits (marks). Ikeda does **not form marks of a barcode pattern by a laser**.

Furthermore, Ikeda does **not** suggest a barcode pattern formed by a laser on a **spiral track**. The area where Ikeda forms a barcode-like pattern does **not** have a **spiral track**. Although Ikeda shows a circular barcode-like pattern, he does not show a spiral track. A spiral track is generally formed continuously, without interruptions. The area of Ikeda that includes the barcode-like pattern (FIG. 1 of Ikeda) has interruptions between successive markings. There are no tracks between these successive markings. The area shown in FIG. 1 appears to be **without tracks and without spiral tracks**.

Accordingly, Ikeda does not disclose a barcode pattern formed by a laser on a track. Furthermore, Ikeda does not disclose a barcode pattern formed by a laser on a track that is spiral in shape.

Information Disclosure Statement (IDS)

As agreed during the Interview, a Supplemental IDS is now also being filed, which includes a complete English language translation of a previously submitted Japanese application, JP 5-234321. A copy of a previously submitted IDS, which included Japanese application JP 5-234321, as submitted on April 1, 2003, is also enclosed. Applicants respectfully request that the Examiner acknowledge both of these IDSs.

A copy of an IDS, mailed February 19, 2003, is also enclosed. Applicants respectfully request that the Examiner also acknowledge this IDS. As agreed in the Interview Summary, Applicants will provide a complete translation of Japanese Official Action, dated November 19, 2002 for JP 2002-235948, which was cited in this IDS, as soon as it is received from Japan.

Conclusion

Claims 32 and 33 (or, if amended by the Examiner, claims 31 and 32) are now in condition for allowance.

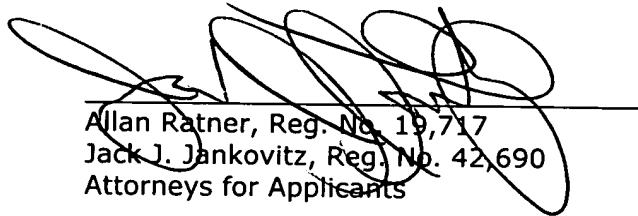
Appln. No. 10/017,965
Amendment Dated January 5, 2004
Reply to Office Action of October 2, 2003

MTS-520US4

A new Declaration will be forthcoming in a Supplemental Response, as soon as it is received.

Respectfully submitted,

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Enclosures: Copy of IDS dated February 19, 2003 and return postcard
Copy of IDs dated April 1, 2003 and return postcard
New Supplemental IDS

Dated: January 5, 2004

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 5, 2004

